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           IN THE UNITED STATES DISTRICT COURT
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                           ) No. 3:03C0V60-P-D
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            VS.
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1 Santa Monica, California, Tuesday, May 10; 2005 2 9:00 A.M 5:00 P.M. 3 JAMES DAHLGREN, M.D., 4 During that tin basis when they we bear higher as basis when they we bear higher as basis when they we bear higher because of the activity, more than a treating any treated would make a differ so based on the record. Doctor, you remember that pour are under oath? 10 You are under oath? 11 A Yes. 10 Dr. Dahlgren, what is your hourly rate in your work with creosote? 11 Q Do you bill for time devoted by your staff? 12 Q Do you bill for time devoted by your staff? 13 A Chronic during the years who waverage rate for your staff? 15 Q Do you know levels would have the doing. 16 A It varies depending on what it is that they are doing. 17 Q Can you give me a range? 18 A No, I don't have that in my memory. 19 G How much time did you do in your work for 20 In a wenger tree stores from inception until now? 24 stopped buming tree.	re various reasons why they may at certain times, at least on an acute ere burning the treated wood. The they probably would have been the dioxin being generated by that presumably today, they are not a wood as an energy source. So that rence. That, one would expect the dioxins are in years past. That were breathing treated wood? They were breathing treated wood? They were breathing treated wood? They were burning whow much higher the dioxin blood they deen during the years which they were bod? Think we have any way of making an acute that it would they were begun to decrease when the plant eated wood?
1 Santa Monica, California, Tuesday, May 10; 2005 2 9:00 A.M 5:00 P.M. 3 basis when they we have basis when they we basis when they we basis when they we have the higher. 1 A Well, ther a basis water basis when they we have basis when they we have the higher activity, more than they we would make a differ treating any treated would that they are a work with creasore? 1 A 465 an hour. 2 Do you know treated wood. 1 D Do you know treated wood. 1 D Do you know treated wood. 2 D D you know treated wood. 2 D D you know treated wood.	re various reasons why they may at certain times, at least on an acute ere burning the treated wood. The they probably would have been the dioxin being generated by that presumably today, they are not a wood as an energy source. So that rence. That, one would expect the dioxins or in years past. That were breathing treated wood? They were breathing treated wood? They were burning whow much higher the dioxin blood been during the years which they were od? Think we have any way of making an acute that the would was a say is that it would the people in the Carver Circle do have begun to decrease when the plant

decrease in their concentrations over time. I mean, the half-life of the dioxins is very long in the body. So it wouldn't have been a very rapid change.

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But if the dose is significantly higher and you reduce that dose, it will be reflected over time in the blood level.

Q Do you have any way of estimating or using literature to provide a reference for, by what rate the level of dioxin in the blood in Carver Circle would have decreased over time after the plant stopped burning treated wood?

A Well, the half-life of the various dioxins is variable. The lower the chlorination, the shorter the half-life. The more chlorine atoms attach, the longer the half-life in general.

TCDD, which is the most toxic one, as we discussed before, has a half-life of about seven years based on the studies that have been published.

There is a range. I mean, some people are a little slower. Some people are a little faster, but on average, it is seven years half-life.

That means if your exposure stops completely or is reduced to background, let's say, you will experience a 50 percent decline over a period of seven years in TCDD.

in the ground water is the Heat Craft plant. I have not heard any discussion about the hosiery plant.

Q Yeah. I am not talking about the hosiery plant being in the neighborhood. I believe the - Sherrie Barnes and some other plaintiffs in this case actually worked in the hosiery plant.

A Yes, I believe that's correct.

Q Did you do any investigation of what they might have been exposed to at work?

A Well, the history that was taken by Dr. Sawyer specifically indicated that they did not have any chemicals that they were aware of at that plant while they were working there. I mean, that was the family given history for Sherrie Barnes.

Q Sure. And you were relying on Dr. Sawyer for that piece of your analysis to the extent that is even part of your analysis; is that correct?

A Yes. In terms of looking for confounders or additional risk factors, that did not appear to be one.

From what I know about the hosiery manufacturing business, it is mainly a garment-type operation where they are making garments of clothing. And the hazards that might occur in such a setting would be lint if it was cotton that they were using. It could be some exposure.

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OCDD will probably be longer. It's half-life is probably 12 years. So it would take longer for that one to come down.

And the hepta and the hexadioxins also have a very long half-life. Probably longer than TCDD, but less than OCDD.

Q Okay. I'm sorry. I know you said this before, but you gave me some way of -- of tagging half-lives to chlorine atoms.

Can you just repeat that? I mean, what dictates that?

A The more - the more chlorine atoms, the - the longer the half-life. And the slower it is excreted into the body in general - and that holds for the furans and the PCBs as well.

Q Have you done any investigations of exposures of the Penco Hosiery plant in Grenada?

A Exposure estimate?

Q Um-hmm.

A No. My understanding is that the other potential sources of pollution in the neighborhood were examined by other experts. I did not specifically focus on other sources.

The only other source that has been mentioned to me as being a source of some contamination, at least 1 I have studied garment workers in the past, and 2 usually there is no measurable effect in work in the 3 garment manufacturing in terms of lung disease or cancer 4 risk or any of these other issues. So as far as I know, 5 there would be no confounding from that source. 6

Q Well, so if they were actually making nylon hosiery, do you think there might be any exposures to any -- whatever chemical is going in to making nylon?

A If you were at a hosiery plant, you are probably not making nylon. You are buying nylon from a chemical company that makes the nylon. You are not making --

(Telephonic interruption.)

14 THE WITNESS: - nylon material that would be 15 present --

THE REPORTER: I'm sorry.

17 THE WITNESS: - in the setting there.

THE REPORTER: Is that my phone or your phone?

19 THE WITNESS: No. It was noisy. I think that 20

was the first couple of notes of Unsolved Mysteries.

THE REPORTER: It's mine.

22 (Whereupon, the record was read as 23 follows:

24 "Q Well, so if they were 25

Actually making nylon hosiery, do

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1 You think there might be any 1 Q She was in her mid to late 30's when she passed 2 2 Exposures:to any -- whateverawav? 3 3 Chemical is going in to making A 35. I believe when she died. 4 4 Nylon?") Q She died in '98? 5 5 THE WITNESS: Nylon manufacturing is not done A She died in September of '98. 6 by very many companies. In fact, as I understand it, 6 Q She was born in September of '62? 7 nvlon has become less and less popular. They use 7 A That's right. So she was 36, just -- just 36 8 8 or maybe she was a few days shy of 36 when she passed synthetic fibers, but they would make it into the cloth 9 somewhere else. They would not be making nylon at a 9 away. She was still in the 35th year. 10 10 hosiery plant there. Q What was her age at menarche? 11 Menarche. Menarche sometimes said -- I don't BY MR. HOPP: 11 12 Q They would dye it somewhere else, die the 12 know if that information was obtained. It is on my 13 fabric, or is that done at a hosiery plant? 13 questionnaire. So let me try to find that. The 14 daughter may not have known. A It depends. Most likely they would buy the 14 15 fabric already dyed in various colors. That is the 15 It was written down. So she had menarche 16 normal clothing manufacturing practice. 16 at age 12. 17 They don't -- if you go to a -- any of the 17 Q Would that be considered early? 18 garment manufacturing plants in Los Angeles, for 18 A No. it is not. It is smack dab in the middle 19 example, they don't do dying in those plants: They buy 19 of normal range. 20 the fabric dyed somewhere else. 20 Q What was her age at her first full-term 21 Q Let's talk specifically about Sherrie Barnes. 21 pregnancy? 22 What was her body mass index at the time that 22 A I guess, I have to find out the age of her 23 23 she contracted cancer? daughter and figure that out. 24 A Well, let's see. We need to look at the file, 24 Q Well, she had the one daughter, Kenesha. Was 25 I think she was 190 pounds, but I forget her height. 25 that her only one child? Do you know? 656 658 1 Q While you are looking, how does one calculate 1 Well, I have to find my report. 2 body mass index? 2 Just for your reference, Doctor, I am handing 3 A Let's see. I think it is the weight in 3 you Exhibit 34 and 35 which were previously marked. 4 kilograms divided by the height in meters squared. 4 This is your narrative report and then the 5 Something like that. 5 questionnaire from Kenesha Barnes. 6 Q Okav. 6 A Okay. 22 was the daughter's age, so 22 from 7 A She was diagnosed June 15, 1997. I have to 7 35, 23. So she was 23 when she had her daughter. 8 find her weight to see if anybody bothered to write it 8 *Q That is when she had Kenesha. Do you know 9 down. Let's see. She was 202 pounds on June 20th, 1997 9 whether she had a full-term pregnancy before Kenesha? 10 and her height was 66 inches. 10 A Well, that's a possibility. Number of 11 Q So based on that, one could calculate her body 11 pregnancies: One. Number of live births: One. So she 12 mass index? 12 only had one pregnancy and one birth. 13 A Yes. She had – 2.06 was her height in meters 13 Q Do you know how many months she lactated? 14 squared, in kilograms was about 90. So it would be --14 A No. I don't think we obtained the history as 15 it was around 40, 45. 15 to whether she breast fed or not. 16 Q 40 to 45 was her body mass index? 16 Q Was she in menopause at the time that she was 17 A That would be in that range. 17 diagnosed with breast cancer? 18 Q Did her body mass index change much during her 18 A She stopped menstruating when they started the 19 adult life? 19 chemotherapy, not before. She stopped menstruating at 20 A I don't have that information: I mean, I think 20 34 with the chemo. 21 that she lost some weight. Let's see. 21 Q So we assume that she was not naturally in 22 No, she didn't lose any weight. Between the 22 menopause at that time? 23 time she was diagnosed and the time that she died, she 23 A Correct. 24 stayed around -- around the 200-pound range. I think 24 Q I think we established it last time, just to the last weight that was recorded was 190. 25 double check today, it is accurate to say that we do not 657

know whether she had ever used hormonal contraceptives? with increasing obesity among premenopausal women. So 2 A No. The only medicine she took was high blood 2 in this study obesity was protective. 3 pressure medicine before the - before the diagnosis was 3 Q In premenopausal women? 4 made. 4 Α In premenopausal women, that is what I just 5 Q Did her questionnaire specifically ask whether 5 read. 6 she had ever used hormonal contraceptives? 6 Q Okay. A The risk was higher among those who were obese, 7 A No. It simply said, what medicines were you 7 8 taking, and we didn't ask - I don't remember asking 8 but there was no evidence of a trend with increasing 9 specifically about her form of contraception prior to 9 body mass index. 10 the -- in the histories of Sawyer, myself, and Wolfson. 10 Q I'm sorry. That seemed to be contradictory, 11 I did not see any mention of contraceptive use. 11 that last sentence? 12 Q And the history was given by her daughter. And 12 A I am just reading from his abstract. 13 so, I mean, was it reasonable to assume that her 13 Q Okay. daughter may not have that information whether or not 14 A We can discuss it if you want, but anyway let 15 her mother used -15 me keep going. A Well, it is not just her daughter, but her 16 16 Q Okay. 17 mother and her sisters were interviewed and none of them 17 A Risk did not vary with the risk of abortion. 18 were aware. It is most likely that she was on birth 18 Risk was lower among postmenopausal women than the 19 control pills, one of those family members would have 19 premenopausal women of the same age. And increased with 20 known it. 20 increasing age of menopause, bilateral oophorectomy -21 Q But none of them mentioned it; correct? 21 let me spell that, o-o-p-h-o-r - reduced the risk more 22 A Correct. Thank you. And I believe it would 22 than hysterectomy alone; the positive history of benign 23 have been asked by one or all of us who interviewed the 23 breast disease; a positive family history of breast 24 family. 24 cancer; Jewish religion; 12 or more years of education 25 Q Okay. Do you know if she ever used hormone 25 was each independently associated with increased breast 660 662 1 replacement therapy for any purpose? 1 cancer. 2 A As I said, there was no history of any other 2 Now, in terms of that contradiction about 3 medication use. 3 obesity, we need to go into more detail. Among 4 Q Do you agree that a high body mass index is a 4 premenopausal women, the relative risk estimate 5 risk factor for breast cancer? 5 decreased as body mass index increased and the trend was 6 A Well, I am trying to remember if that has been that statistically significant. Among postmenopausal 6 7 mentioned as a risk factor. I don't - let me look in 7 woman the opposite effect was evident relative to the 8 my - I think one of these references does a review of -8 BMI of under 30. the various risk factors. Elm Rich. Elm Rich is a 9 The relative risk estimate was 1.5, with 10 review article on risk factors on cancer -- breast 10 confidence interval of 1.2, 1.9, and that was for 11 cancer. postmenopausal woman and that was the body mass index 11 12 Q Just for the purpose of the question, I would 12 was under 30, the relative risk was higher. 13 be happy if you could read off your screen what the risk 13 Q In postmenopausal? 14 14 factors that are mentioned in Elm Rich? A Postmenopausal does not apply to our patient 15 A I will do that when it comes up here. This is 15 who was not postmenopausal. 16 1983, but I think it covers at least some of the more 16 With a body mass index over 30, there was no 17 popular issues. They studied 1,185 women with breast 17 evidence with a trend for a relative risk of increased cancer and compared the 3,227 controls. The risk of 18 18 cross-categories of increasing body mass. breast cancer increased with increasing age of first 19 19 Q So over 30, there is no increasing trend in 20 birth. This effect was not accounted for by parity. 20 both pre and post or --21 Q What is parity? 21 A Correct. So I think the answer is - and I 22 A The number of pregnancies. An early age of 22 think this is one of the biggest studies of that issue. 23 first birth appeared to reduce the risk relative to no 23 It does not appear that obesity is a major factor. 24 pregnancy; whereas, a late age first birth was 24 Let's put it that way. It may contribute in associated with a higher risk. Relative risk decreased 25 some way, but it says among premenopausal, which is our

group, the relative risk decreased as the body mass increased.....

Q Okay. Do you agree that age at menarche menarche is a risk factor?

A Well, it has been mentioned. This particular paper - let's see. Where does it talk about it?

Risk according to menarche -- menarche, those that have menarche under 12, the relative risk was 1.4, but it wasn't statistically significant. The relative risk if they had menarche at the age of 11 to 12 was 2.1.

- 12 Q Which is increased; right?
- 13 A Which has increased.

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- Q You are looking for a relative risk number of one for it to be normal: correct?
- ie for it to be normal; correct?

 A Correct, but none of these are one. It is kind of interesting. One has to wonder where - 13 to 14 the relative risk is two, but above 15 it is one, so -- but it is rare to be over one.

Of the total population, there is only 200 people out of 5,000 that had menarche over 15. So that 22 is not statistically significant because it is stayed 23 with small numbers. So none of these ages at menarche 23 24 in premenopausal women were at one. They were all 25 elevated.

1 factor for breast cancer?

2 A You know what, they did not study that in this ... 3 paper, and I have never heard about it being a risk

factor. So I don't know what the answer to that is. 5 Q Now, the issue of smoking and breast cancer, is it accurate to say that that remains somewhat

controversial?

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8 A Well, there is evidence. A number of studies 9 have found a link. And, in fact, there is even a study 10 that found a link with secondhand smoke. So I think the 11 evidence is building that cigarette smoke contributes to 12 the risk of breast cancer.

Q All right. Well, do you agree that race is a risk factor for breast cancer?

15 A Yes. It is more common in white women than 16 black women. So it is -- appears to be, as I had said here, that women who have higher education levels and 17 18 other studies have shown that are more common in upper 19⁻ middle class women than in poor blacks.

20 Q Does anybody have any notion for what the basis 21 for that is? Why would women who have more education 22 have a higher risk factor?

A Higher incomes probably eat more fish and eat more PCBs and dioxins.

Q More fatty foods?

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Q All right.

A So that is interesting and it holds up for postmenopausal as well: The values are all 1 at postmenopausal. So it appears to be that all of the premenopausal women seemed to have a higher risk no matter whether they were before 11, 11 to 12, 13 to 14, the only ones that were not elevated were above 15.

Q Do you agree that age at the first full-term pregnancy is a risk factor of breast cancer?

A Well, that is what this made - this one is all about. It says, "Age of first birth," you know, that is the other table here.

Q All right.

A And what it says is that if they have the baby, first baby, under the age of 20, the risks are reduced.

16... If they have the baby between 20 and 24, the risk is at one across the board. One and 1.6 and 1.9, similar to under 20.

If it is between 25 and 29, the risk goes up overall, and it is statistically significant. So having the first baby after 25 raised the breast cancer to 1.7, 70 percent increase; and over 30, it is about the same. 1.8 is the relative risk.

Q Do you think that age -- strike that.

So you agree that months of lactation is a risk

A No. More fish.

Q More fish.

Because the biggest source at this point for all of the halogenated persistent organic pollutants is fish.

Q There is a series of studies done in the '80's, I believe, in Michigan having to do with fish consumption and dioxin. Have you reviewed those? Do you know which studies I am talking about?

A There was one study of Michigan, studying women that ate more fish that was locally caught, wild fish, not -- not commercial fish. They were studying the women who were eating the PCB laden fish --

(Telephonic interruption.)

THE WITNESS: - out of the sport fishing

BY MR. HOPP:

Q Out of the Great Lakes?

A Out of the Great Lakes.

And there was - what I remember is that they found elevated values. I don't remember if they studied any of the disease outcomes. I have to rereview that.

23 Q When you say that the fish consumption is a 24 major source of dioxin exposure, are you talking about 25 sport fish or commercially grade fish?

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1 A Well, right now, it is both, especially 2 farm-raised salmon is quite high in dioxin and 3 3 dioxin-like compounds. 4 4 And there is - also depending on the water 5 5 they come from - sport fish, like the Santa Monica Bay 6 here, the fish are very high in PCB and dioxin. It used 7 to be signs on, it appears, "Do not eat the fish." 7 8 8 Somehow the health department exhibited the 9 wisdom to come and had taken those signs down; but they 9 10 10 are still here, like the Santa Monica Pier here, there is a little, tiny sign that you can barely read that 11 11 12 12 says, "Don't eat the fish." 13 Q Sure. We got the same problem in Lake 13 14 Michigan. Depending on whether you were pregnant or of 14 15 a certain age and that had to do with --15 A Mercury, Mercury, That was mercury, Mercury 16 16 is another contaminate in fish and it is a major issue 17 17 18 for pregnant women. 18 19 Because if you do eat three fish meals a week, 19 20 20 you have a risk to have enough high level to impact your 21 offspring. 21 22 22 Q Do you agree that the use of hormonal 23 23 contraceptives is a risk factor for breast cancer? 24 24 A I believe it is, yes. 25 Q Do you agree that the use of hormone 25 668 replacement therapy is a risk factor for breast cancer? 1

as part of the state? It is part of the lower ones. It is the white state, which means the rate is significantly lower than the state rate, and it has not been increasing. Q You said, "It is a white state." You mean a white county? A A white county, correct. MR. PRUDHOMME: I think he is talking about the shaded areas. THE WITNESS: The shaded -- the dark ones are the counties with the highest rates. They have a 40 percent or more increase in breast cancer and the white states have shown no increase. BY MR. HOPP: Q Again, you mean white counties? You keep saying, "States." A 1 mean counties. Q Okav. I'm sorry. And the maximum air pollution levels correlated with the rates. In other words, if the county had more pollution based upon its toxic release inventory, it had higher rates. Grenada, again, was not one of the states - one of the counties with the higher rate. Q So to summarize then, based on the paper you 670

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A Yes, it is.
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Q Are cancer rates in Mississippi the highest in the nation?

5 A I have got a paper here by me that talks 6 about ---

7 Q By who?

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A By me. I think the guy's name is Mitra. He is a Mississippi research guy. Let me see what he says.

Q Which list is it in?

A The breast cancer list. Breast cancer in Mississippi. Anyways, he went to each county and looked at county incidents versus state incidents. Incident rates of female breast cancer in Mississippi in 82 15 counties is 61.2 per 100,000 in 1996.

Q That's state-wide?

A That's state-wide. Whites were higher by a big factor, more so than blacks or non-whites, which is mainly blacks.

And there are certain high risk counties in 21 Mississippi that correlated with pollution. Six counties had rates 40 percent higher than the state rate. And those six counties are listed here. He did not include Grenada County.

Q Where did Grenada County stack up in terms —

are reading -- which, again, can you give me the 2 author's name?

Mitra, M-i-t-r-a. Α

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Okay. Based on the Mitra paper, whites in 4 5 Mississippi have a higher risk of breast cancer than 6 blacks; correct?

7 A Yes. Yes. The white rate is 1.8 or 61.4 per 8 100,000. The non-white is 52.3 per 100,000.

Q Does the Mitra paper discuss at all where 10 Mississippi ranks in terms of the 50 states as far as cancer incidents is concerned?

A 1 thought he had mentioned that here. Let me go down to the Discussion and see.

No. I - I don't - I don't think he mentions that whether they are lower than the rest of the country or not.

Q Are you aware of any reference that discusses where Mississippi ranks among the 50 states in terms of cancer incidents at all sites?

A I did not remember Mississippi being the highest state rate for cancer overall. I remember that Louisiana and New Jersey had the higher rates than Mississippi, but that's just my recollection. I didn't research that question.

Q Do you have - do you have any recollection of

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